

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MARIA ESCALANTE,

Plaintiff,

v.

CENTER FOR HUMAN DEVELOPMENT,  
INCORPORATED,

Defendant.

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CIVIL ACTION NO. 04-30174-KPN

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**DEFENDANT'S MOTION FOR LEAVE TO AMEND ANSWER**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure and D. Mass. L. Civ. Rule 7(b)(3), Defendant, through its attorneys, moves for leave of court to amend its Answer to Complaint. The original Answer pleads a failure to mitigate damages as its sixth defense. The proposed addition would simply include an additional specific affirmative defense that Defendant made an unconditional offer of reinstatement which Plaintiff rejected. A copy of the proposed Amended Answer is attached hereto as Exhibit A. In support of this Motion, Defendant submits the following:

1. On March 14, 2005, Defendant made an unconditional offer of reinstatement to Plaintiff, which she rejected.
2. Defendant could not assert this defense until after Plaintiff rejected the offer.

3. Plaintiff will not be prejudiced should this Motion be allowed as discovery is still at its inception and is not scheduled to close until September 1, 2005.

Accordingly, it is in the interest of justice to allow Defendant's Motion for Leave to Amend Answer.

CERTIFICATION

Pursuant to D. Mass. L. Civ. Rule 7.1(a)(2), prior to filing the above Motion for Leave to Amend Answer, counsel for the Defendant attempted to resolve the matter by letter and a telephone conference with Plaintiff's counsel, Michael O. Shea, on April 26, 2005.

Respectfully Submitted,

/s/ Amy B. Royal  
Amy B. Royal, Esq.  
BBO No. 647175  
Counsel for Defendant  
Skoler, Abbott & Presser, P.C.  
One Monarch Place, Suite 2000  
Springfield, Massachusetts 01144  
Tel. (413) 737-4753/Fax: (413) 787-1941

Dated: April 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above document was served upon Plaintiff's counsel, Michael O. Shea, Esq., Law Office of Michael O. Shea, 451 Main Street, Wilbraham, MA 01095, by first class, U.S. mail, postage prepaid on April 26, 2005.

/s/ Amy B. Royal  
Amy B. Royal, Esq.